

September 5, 2014

Via ECF filing

Honorable Ronald L. Ellis
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street
 New York, NY 10007-1312

Re: *Rita Mae Perkins, Individually and as Personal Representative of the Estate of Wayne Philip Perkins, deceased vs. Air & Liquid Systems Corporation, et al.,*
 United States District Court for the Southern District of New York
 Case No. 1:13-cv-08561 (CM) (RLE)

Letter-Request for Adjournment of Discovery Briefing

Dear Magistrate Judge Ellis:

Thompson Hine represents defendant Maersk Line, Limited (“Maersk”) in the above matter. During a telephonic proceeding held before your Honor on August 12, 2014, involving only plaintiff and Maersk, your Honor, among other things, directed the parties to simultaneously submit letter-briefs on September 8, 2014 regarding the discoverability of plaintiff’s bankruptcy trust filings, including Proofs of Claim forms and associated claim submissions.

Plaintiff’s counsel advised through a phone call and email yesterday afternoon, September 4, 2014, that they will now agree to voluntarily provide these requested materials. See, Email from John Herrick, attached. Accordingly, MLL respectfully requests that this discovery motion, relating specifically and only to defendant’s request for plaintiff’s bankruptcy trust filings, including Proofs of Claim forms and associated claim submissions, be removed from the court’s calendar. MLL respectfully reserves the right to re-calendar this motion if plaintiff does not follow through on her commitments in a timely manner.

Respectfully,

Ruthe Nepf
Counsel for Defendant Maersk Line, Limited

Attachment

cc: All Counsel of Record (via ECF filing)

From: Herrick, John <jherrick@motleyrice.com>
Sent: Thursday, September 04, 2014 3:07 PM
To: Nepf, Ruthe
Cc: Straus, Alex; Lambert, Dee
Subject: Perkins

Looks like we had a miscommunication on my end. I thought supplemental 'rogs dealt with Bankruptcy claim issues, but they did not. To reiterate, we will provide copies of the claim forms we have and authorizations for you to get the ones we don't. I will also give you a list of the trusts involved. With that, I'll hold off on supplementing again until we resolve your other issues.

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